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**IN THE UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF OHIO**

**EASTERN DIVISION**

**RASHIKA PORTER,**  
c/o Law Offices of Seneca Konturas  
P.O. Box 662  
Aurora, Ohio 44202

Plaintiff,

vs.

**CORECIVIC, Inc.**  
c/o Statutory Agent: CT Corporation  
4400 Easton Commons Way, Suite 125  
Columbus, Ohio 43219,

and

**CORRECTIONS OFFICER HINGOS**  
c/o Northeast Ohio Correctional  
Center  
2240 Hubbard Road  
Youngstown, Ohio 44505,

and

**CORRECTIONS OFFICER BOND**  
c/o Northeast Ohio Correctional  
Center

CASE NO.

JUDGE

**PLAINTIFF'S COMPLAINT IN CIVIL ACTION**

**JURY TRIAL DEMANDED**

1 2240 Hubbard Road  
Youngstown, Ohio 44505,

2 and

3 **CORRECTIONS OFFICER GIOVINO**

4 c/o Northeast Ohio Correctional  
Center

5 2240 Hubbard Road  
Youngstown, Ohio 44505,

6 and

7 **CORRECTIONS OFFICER PAYNE**

8 c/o Northeast Ohio Correctional  
Center

9 2240 Hubbard Road  
Youngstown, Ohio 44505,

10 and

11 **CORRECTIONS OFFICER DANIEL**

12 c/o Northeast Ohio Correctional  
Center

13 2240 Hubbard Road  
Youngstown, Ohio 44505,

14 and

15 **CORRECTIONS OFFICER SANGENBAEHER**

16 c/o Northeast Ohio Correctional  
Center

17 2240 Hubbard Road  
Youngstown, Ohio 44505,

18 and

19 **CORRECTIONS OFFICER HIVNER**

20 c/o Northeast Ohio Correctional  
Center

21 2240 Hubbard Road  
Youngstown, Ohio 44505,

22 and

23 **CORRECTIONS OFFICER YEMMA**

24 c/o Northeast Ohio Correctional  
Center

25 2240 Hubbard Road  
Youngstown, Ohio 44505,

26 and

27 **WARDEN OF NORTHEAST OHIO CORRECTIONAL**  
28 **CENTER AS OF OCTOBER 8, 2018**

c/o Northeast Ohio Correctional  
Porter Complaint - 2

Center  
2240 Hubbard Road  
Youngstown, Ohio 44505,  
  
Defendants.

**COMPLAINT**

AND NOW, comes the Plaintiff, Rashika Porter, by and through his  
counsel, and files the within allegations against the Defendants:

**Parties**

1. The Plaintiff is Rashika Porter ("PORTER"). PORTER is a citizen  
of Allegheny County Pennsylvania.

2. The First Defendant is CoreCivic, Inc. ("CORE"). CORE is a  
business corporation that operates the Northeast Ohio Correctional Center  
located at 2240 Hubbard Road, Youngstown, Ohio 44505, in the Northern  
District of Ohio.

3. All of the individual Defendants are employees of CORE, and  
worked at a CORE facility within the Northern District of Ohio.

4. This Court, therefore, has personal jurisdiction over all of the  
Parties in, and and sits in the proper venue for, this lawsuit,

**Subject Matter Jurisdiction**

5. Upon information and belief, CORE is a private prison company  
that contracts with the federal government to house pretrial detainees as  
well as prisoners. Upon information and belief, pursuant to their government  
contracts, CORE is required to provide constitutionally sufficient detention  
facilities and administer them according to constitutional processes.

6. This lawsuit, pursuant to the Civil Rights Act, 42 U.S.C. §1983  
et seq; the Judicial Code, §§1331 and 1343(a); and the Constitution of the  
United States, sets forth claims of violations of PORTER's constitutional  
Porter Complaint - 3

1 rights under, inter alia, the Fifth Amendment right to pretrial medical care,  
2 and due process in disciplinary proceedings.

3 7. This Court, therefore, has subject matter jurisdiction over the  
4 claims in this lawsuit.

5 8. PORTER has satisfied all necessary conditions precedent to the  
6 filing of this lawsuit.

7 **Facts**

8 9. On or about September 7, 2018, Plaintiff was handcuffed and being  
9 transported to his cell. Suddenly, and without warning, Defendant Hingos  
10 slammed Plaintiff's head against a concrete wall. Plaintiff's mouth started  
11 bleeding and he felt immediate pain. His head, right above his right eye,  
12 which was otherwise unremarkable prior to this incident, immediately started  
13 to swell. Plaintiff's legs were also forcibly separated, causing Plaintiff to  
14 be in the position of a full "split." Thereafter, Plaintiff spit blood onto  
15 the floor.

16 10. Shortly after Defendant Hingos' actions as discussed *supra*,  
17 Plaintiff began suffering from vomiting, dizziness, headaches, and blurred  
18 vision, and loss of appetite. He also developed issues with memory loss and  
19 an inability to focus, as well as chronic severe back and groin pain. These  
20 ailments, including medical treatment and therapy for such ailments, continue  
21 through the date of the filing of this Complaint.

22 11. On or about September 7, 2018, Plaintiff requested medical  
23 attention as a result of Defendant Hingos' action as discussed in the above  
24 paragraph, by pushing the "help" button available to him. He reported  
25 symptoms including but not limited to pain, headache and blurred vision.  
26 Plaintiff was re-examined, and it was determined that his injuries and  
27 ailments were the result of blunt force trauma, but no treatment was provided  
28 for his injuries.

1           12. On or about September 7, 2018, Plaintiff requested medical  
2 attention as a result of Defendant Hingos' action as discussed *supra*, by  
3 filling out a Sick Call Request, but no examination of nor treatment for his  
4 conditions were tendered by Defendant.

5           13. On or about September 8, 2018, Defendant Bond charged Plaintiff  
6 with "Assault" for "spitting at a correctional officer" in reference to  
7 Plaintiff spitting blood on the floor as discussed *supra*. Defendant Bond at  
8 the time of charging Plaintiff was aware that Plaintiff did not actually spit  
9 at Defendant Bond, nor did Plaintiff perform any action that could be  
10 considered "assault" by Defendant Core, against Defendant Bond. Defendant  
11 Bond did not charge Plaintiff with anything other than "Assault."

12           14. Upon information and belief, on numerous occasions between  
13 September 8, 2018 and September 13, 2018, Plaintiff requested medical  
14 attention as a result of Defendant Hingos' actions as discussed *supra*, by  
15 filling out a Sick Call Request, but no examination of nor treatment for his  
16 conditions were tendered by Defendant.

17           15. On or about September 13, 2018, Plaintiff requested medical  
18 attention as a result of Defendant Hingos' action as discussed *supra*, by  
19 filling out a Sick Call Request, but no examination of nor treatment for his  
20 conditions were tendered by Defendant.

21           16. On or about September 18, 2018, a hearing was held regarding the  
22 "Assault" event of September 7, 2018. At the hearing, Plaintiff explained  
23 that his "spitting" was to remove the blood from his mouth, which was only  
24 present due to Defendant Hingos' actions as described *supra*. Plaintiff  
25 further explained that as Defendant Core defines "Assault", Defendant Bond's  
26 testimony and evidence did not substantiate such a charge. Nonetheless,  
27 Plaintiff was found guilty of both "Assault" and "Failure to Follow."  
28

1           17. Plaintiff as not charged by Defendant Bond with "Failure to  
2 Follow." Upon information and belief, Defendant Core's published policies and  
3 procedures only allow an inmate, including but not limited to Plaintiff, to  
4 be adjudicated guilty for disciplinary issues that were actually charged  
5 prior to the hearing, of which an inmate, including but not limited to  
6 Plaintiff, is entitled to twenty-four (24) hours' notice. As Defendant Payne  
7 found Plaintiff guilty of "Failure to Follow" despite knowing that he was  
8 never charged with "Failure to Follow" and without twenty-four (24) hours'  
9 notice, Plaintiff appealed both his guilty determinations via grievance the  
10 next day.

11           18. On or about September 18, 2018, Plaintiff finally received a  
12 medical appointment in response to his requests for such treatment made on  
13 September 7, 2018 and September 13, 2018. At said appointment, Defendant  
14 Giovino did not evaluate whether or not Plaintiff sustained a concussion, and,  
15 upon information and belief specifically including but not limited to the  
16 fact that Defendant Giovino prescribed ice packs for Plaintiff's head injury  
17 which would not have any effect on "fatty deposits", falsely diagnosed  
18 Plaintiff's cranial swelling as a "fatty deposit" and his other ailments as  
19 discussed *supra*, as unrelated to having his head slammed against a concrete  
20 wall, so as to create a false medical record to sever a potential causal link  
21 between Defendant Hingos' actions and Plaintiff's conditions for which he had  
22 been complaining.

23           19. On or about September 19, 2020, Plaintiff requested medical  
24 attention as a result of Defendant Hingos' action as discussed *supra*, by  
25 filling out a Sick Call Request, but no examination of nor treatment for his  
26 conditions were tendered by Defendant.

27           20. On or about September 19, 2020, Plaintiff filed a grievance  
28 related to Defendants Hingos' and Giovino's actions as discussed *supra*,

1 indicating his injuries and notifying Defendants that he was having  
2 complications therefrom. He further detailed that the medical treatment he  
3 eventually received from Defendant Giovino was deficient as described *supra*.  
4 Plaintiff, extremely concerned about his medical condition, requested a  
5 second opinion from a different doctor. He also requested an investigation to  
6 be conducted related to Defendant Hingos' excessive force.

7 21. On or about September 20, 2018, Plaintiff filed a grievance on  
8 the basis of violation of his due process rights. Specifically, Defendants  
9 were required to conduct a hearing as to the alleged Assault within seven  
10 business days of the incident, and such hearing did not occur within the  
11 required timeframe. Despite Plaintiff raising this issue at the hearing, said  
12 issue was ignored by Defendant Payne and she found Plaintiff guilty of  
13 "Assault" and "Failure to Follow."

14 22. On or about September 21, 2018, Defendant Daniel "returned"  
15 Plaintiff's grievance without action, and advised that the appropriate  
16 process was to appeal the disciplinary decision through the DHO process.

17 23. On or about September 21, 2018, Defendant Sangenbaeher, in  
18 response to Plaintiff's request for a second medical opinion, merely  
19 reiterated the notes in Plaintiff's medical record, and therefrom, denied  
20 Plaintiff's request for a second opinion. On or about September 26, 2018,  
21 Plaintiff grieved this finding, requesting specifically that Defendant Hivner  
22 review the medical issues and review the security footage of Plaintiff's head  
23 being slammed into the concrete wall to substantiate the seriousness of his  
24 injuries.

25 24. On or about October 1, 2018, Plaintiff requested medical  
26 attention for continuing complications of his injury caused by Defendant  
27 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
28 examination of nor treatment for his conditions were tendered by Defendant.

1           25.    On or about October 2, 2018, Plaintiff requested medical  
2 attention for continuing complications of his injury caused by Defendant  
3 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
4 examination of nor treatment for his conditions were tendered by Defendant.

5           26.    On or about October 4, 2018, Plaintiff requested medical  
6 attention for continuing complications of his injury caused by Defendant  
7 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
8 examination of nor treatment for his conditions were tendered by Defendant.

9           27.    On or about October 4, 2018, Plaintiff timely (by way of an  
10 extension request being approved by Defendant Yemma) appealed his  
11 disciplinary finding on the basis of violation of due process rights in that  
12 the Defendant's published policies and procedures were not being followed in  
13 relation to Plaintiff's disciplinary proceedings.

14           28.    On or about October 4, 2018, Plaintiff sent a request directly to  
15 Defendant Hivner requesting medical attention for continuing complications of  
16 his injury caused by Defendant Hingos as detailed *supra*, but no examination  
17 of nor treatment for his conditions were tendered by Defendant.

18           29.    On or about October 5, 2018, Plaintiff requested medical  
19 attention for continuing complications of his injury caused by Defendant  
20 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
21 examination of nor treatment for his conditions were tendered by Defendant.

22           30.    On or about October 5, 2018, Plaintiff's appeal was granted, and  
23 the "Assault" charge was dropped for lack of supporting evidence, but the  
24 "Failure to Follow" charge was sustained, despite Plaintiff raising due  
25 process concerns, which went unaddressed.

26           31.    On or about October 8, 2018, Plaintiff requested medical  
27 attention for continuing complications of his injury caused by Defendant  
28



1 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
2 examination of nor treatment for his conditions were tendered by Defendant.

3 32. On or about October 8, 2018, Defendant Warden denied Plaintiff's  
4 appeal because according to Defendant, Plaintiff had been provided with the  
5 disciplinary appeal form on September 18, 2018.

6 33. On or about October 10, 2018, Plaintiff requested medical  
7 attention for continuing complications of his injury caused by Defendant  
8 Hingos as detailed *supra*, by filling out a Sick Call Request, but no  
9 examination of nor treatment for his conditions were tendered by Defendant.

10 **CAUSES OF ACTION**

11 34. All other paragraphs are incorporated.

12 35. PORTER states a cause of action for excessive force against the  
13 Defendant identified at ¶ 8.

14 36. PORTER states a cause of action for failure to provide medical  
15 treatment to a pretrial detainee against the Defendants identified at ¶¶ 11-  
16 12, 14-15, 19, 24-25, 27-28, 30, 32.

17 37. PORTER states a cause of action for due process violations  
18 against the Defendants identified at ¶¶ 13, 16-17, 21, 31.

19 38. PORTER states a cause of action for insufficient medical  
20 treatment against the Defendants identified at ¶¶ 18, 33.

21 39. As a direct and proximate result of these stated causes of action,  
22 PORTER has suffered, and continues to suffer, injuries and damages as  
23 discussed at ¶ 9.

24 WHEREFORE, PORTER requests Judgment in his favor, and that all damages  
25 as allowed by law be awarded to him, to include costs of suit and attorney's  
26 fees.

27 **TRIAL BY JURY ON ALL CLAIMS FOR RELIEF HEREBY DEMANDED**

28 *[signature page to follow]*

1 Dated this 4th day of September, 2020

2 /s/ Seneca Konturas

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